

**Cibik & Cataldo, P.C.**  
1500 Walnut Street, Suite 900

Philadelphia, PA 19102  
Phone: (215) 735-1060  
Bar Number:

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

IN RE: **Emerick McKesey**  
**xxx-xx-3060**

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CASE NO **17-16223AMC13**

CHAPTER **13**

*Debtor(s)*

**CHAPTER 13 PLAN**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

COMES NOW, Emerick McKesey, Debtor herein, and proposes the following plan under Chapter 13 of the Bankruptcy Code:

1. The debts of DEBTOR(S) duly proved and allowed shall be paid to the holder thereof in accordance with the provisions of Chapter 13 of the Bankruptcy Code and this Plan.
2. The future earnings of DEBTOR(S) are submitted to the supervision and control of this Court, and DEBTOR(S) shall pay to the TRUSTEE a sum of \$2,500.00 on the 30th day of each month commencing on \_\_\_\_\_ and continuing on the 30th day of each and every succeeding month thereafter for a full term (duration) of this plan. This plan shall be for 60 months.
3. From the payments received, the TRUSTEE will make disbursements in the following order:

(a). **Administrative Expenses:** The TRUSTEE shall FIRST pay the expenses as prescribed by the Court, for administration of this plan.

Name of Creditor	Type	Amount	Interest Rate	Monthly Payment	Term	Total Paid
Cibik and Cataldo, P.C.	Attorney Fees	\$4,000.00	0%	First Funds		\$4,000.00

(b). **Priority Claims:** All Claims entitled to priority under Section 507 of the Bankruptcy Code will be paid as follows:

Name of Creditor	Claim Amount	Amount Entitled To Priority	Interest Rate	Monthly Payment	Term	Total Paid
Commonwealth of PA	\$2,775.00	\$2,775.00	0%	Pro-Rata	1-36	\$2,775.00
Delaware County Tax Claim Bure	\$5,858.63	\$5,858.63	0%	Pro-Rata	1-36	\$5,858.63
Delaware County Tax Claim Bure	\$3,880.71	\$3,880.71	0%	Pro-Rata	1-36	\$3,880.71
I.R.S.	\$14,104.22	\$14,104.22	0%	Pro-Rata	1-36	\$14,104.22

(c). **Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed will be treated as follows:

- (1). **Valuation of Collateral:** The Creditors listed below have a claim secured by a lien on the collateral shown and the claim of each creditor is secured to the extent of the fair market value of such property. The value of such creditor's interest in such collateral is as set forth hereinbelow and such fair market value set hereinbelow is binding as to each such creditor. Pursuant to the Bankruptcy Code, the Debtor(s) ask the Court to value the collateral shown as indicated below and to determine what portion, if any, of the following claim or claims are secured and what portions are unsecured. The purpose of this plan provision and valuation is to clearly provide that once Debtor(s) have paid such fair market value through the TRUSTEE, the lien of each such secured creditor shall be deemed invalid and, at such time, each creditor shall immediately execute and deliver any and all necessary documents to effectuate release of such lien and delivery of an unencumbered title to the Debtor(s).

Name of Creditor	Collateral Description	Fair Market Value
Wells Fargo Bank NA	2013 Chevrolet Equinox--	\$9,430.00

\* Variable payments are scheduled, please see Pro Forma, if attached.

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(H) Emerick McKesey  
(W)  
(C#) 17-16223AMC13

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Each secured creditor described herein shall retain the lien existing prior to the commencement of the case only to the extent of the value of the collateral and to secure payment of the allowed amount of its claim. In the case of each secured creditor listed in this section, the allowed amount is the fair market value set forth herein. Once the allowed secured amount has been satisfied through the Plan, the creditor's lien will have been satisfied in full and the lien will no longer exist. Upon payment of the secured portion of a creditor's claim, the creditor shall immediately release its lien and deliver clear title to the Debtor(s).

- (2). **Payment of Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed, will be paid as follows:

Name of Creditor	Amount Claimed	Principal Amt to Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
Collateral	Value of Collat.					
Delaware County Tax Claim Bure 852 Main Street & 101 Branford Road, Darby, PA	\$15,000.00 \$0.00	\$0.00	0%	Pro-Rata	None	\$0.00
DLJ Mortgage Capital, Inc. 106 N. 9th StreetDarby PA 19023	\$40,000.00 \$40,000.00	\$40,000.00	0%	Pro-Rata	1-36	\$40,000.00
I.R.S. REAL ESTATRE AND PERSONALLY	\$61,865.04 \$0.00	\$0.00	0%	Pro-Rata	None	\$0.00
Wells Fargo Bank NA 2013 Chevrolet Equinox--	\$22,661.81 \$9,430.00	\$9,430.00	5.25%	Pro-Rata	1-36	\$10,229.51

- (3). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph (e) below:

Name of Creditor	Collateral Description	Amount of Claim
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- (d). **Special Class:** The following specially classified claims shall be paid as follows:

Name of Creditor	Claim Amount	Principal Amt. To Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
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- (e). **Unsecured Claims:** Unsecured claims will be paid pro rata by the TRUSTEE after payment of the aforementioned categories, to creditors who have duly and timely filed and proved their claim, with the same having been allowed by the Court, with such payments or dividends to be paid in lieu of the debt and in satisfaction of the debts of such creditors.

- (f). No interest, penalty or additional charge shall be allowed on any account subsequent to the filing of the petition herein, except that interest shall be allowed on claims to fully secured creditors in accordance with 11 U.S.C. § 506(b).

4. DEBTOR(S) shall pay direct the following debts outside the Plan:

Name of Creditor	Collateral Description	Monthly Amount	Balance
DLJ Mortgage Capital, Inc.	106 N. 9th StreetDarby PA 19023	\$788.00	\$110,000.00

5. The following secured claims are not dealt with in the DEBTOR(S)' plan, therefore, upon confirmation of the DEBTOR(S)' Chapter 13 Plan, the automatic stay provisions of 11 U.S.C. § 362 will be terminated and annulled with respect to each of the following claims:

Name of Creditor	Collateral Description	Claim	Value	Deficiency
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The automatic stay provisions of 11 U.S.C. Sec. 362 remain in effect as to DEBTOR(S).

The remaining portion of the debt (deficiency), if any, shall be treated as any other general unsecured claim under this plan.

6. All executory contracts of the DEBTOR(S) will be assumed unless specifically rejected herein. The following executory contracts and/or leases are ASSUMED or REJECTED as indicated below:

Name of Creditor	Contract is Assumed/Rejected
Glen Blake	Assumed

\* Variable payments are scheduled, please see Pro Forma, if attached.

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7. Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S).
8. The Court may, from time to time, during the period of the plan, extend, increase or reduce the amount of any of the installments provided for by the plan, or extend or shorten the time for any such payments where it shall be made to appear, after such hearing, upon such notice as the Court may designate, that the circumstances of DEBTOR(S) so warrant or so require; provided, however, that nothing in this plan shall be construed to prevent the granting of a discharge of DEBTOR(S) as provided in 11 U.S.C. § 1328.
9. **Post-Confirmation Cure or Waiver of Default:**  
Any default of the DEBTOR'S post-confirmation plan payments may only be WAIVED by compliance with the provisions of 11 U.S.C. § 1329. Any default of post-confirmation plan payments may only be CURED by permission of the Standing Chapter 13 Trustee and compliance with such conditions as the TRUSTEE may impose.
10. **Post-Petition Claims:**  
The DEBTOR(S) will not incur any post-petition consumer debt except after notice to creditors and approval by the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

### **Additional Provisions of the Plan**

#### **11. Unsecured Priority Tax Claims Treatment in Plan**

The unsecured priority claims of all taxing authorities provided for under the plan shall be "Code 23 Creditors" and paid pro-rata in full by the Chapter 13 Trustee before disbursement to the mortgagors, or other secured creditors.

#### **100 PERCENT TO ALLOWED GENERAL UNSECURED CLAIMS**

DATED on this the 20th day of September, 2017.

/s/ Emerick McKesey

Debtor: **Emerick McKesey**

**Cibik & Cataldo, P.C.**

/s/ Michael A. Cibik, Esquire

**Michael A. Cibik, Esquire**

Bar Number:

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**IN THE UNITED STATES BANKRUPTCY COURT  
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IN RE: \$  
(H) **Emerick McKesey** \$ CASE NO: **17-16223AMC13**  
**xxx-xx-3060** \$  
(W) \$  
Debtor(s) \$

FOR CLERK'S USE ONLY

**CHAPTER 13 PLAN SUMMARY (EXHIBIT "A")**

DATED: **9/8/2007**.

Petition was filed on **9/12/2017**.

H&W Monthly Take Home Pay: **\$9,181.00** Expenses: **\$6,681.00** Surplus: **\$2,500.00**

First payment due by:\_\_\_\_\_.

**PLAN PAYMENT:** Debtor(s) to pay **\$2,500.00** per month for **60 months** for a total of **\$150,000.00**.

**ADMINISTRATIVE:** Total debtor's attorney fees of **\$7,500.00** with **\$4,000.00** through the plan.

**HOME MORTGAGE:**

Regular mortgage payments on all liens to be "Direct" by Debtor beginning\_\_\_\_\_.

Arrearages are to be paid by the Trustee as follows:

Lien Holder	Total Arrearage	Through MM/DD/YY	Interest Rate	Payment Term	# of Payments	Periodic Payment Amount
DLJ Mortgage Capital, Inc.	\$40,000.00		0%	1-36	36	Pro-Rata

**SECURED CREDITORS:**

Name	Description of Collateral	Scheduled Amount	Value of Collateral	Annual Int. Rate	Term	Periodic Payment Amount
Delaware County Tax Claim Bur	852 Main Street & 101 Branford Road, I	\$15,000.00	\$0.00	0%	None	Pro-Rata
I.R.S.	REAL ESTATE AND PERSONALLY	\$61,865.04	\$0.00	0%	None	Pro-Rata
Wells Fargo Bank NA	2013 Chevrolet Equinox--	\$22,661.81	\$9,430.00	5.25%	1-36	Pro-Rata
DLJ Mortgage Capital, Inc.	106 N. 9th StreetDarby PA 19023	\$110,000.00	\$73,876.00	4%	N/A	\$788.00 (Direct)

**EXECUTORY CONTRACTS AND UNEXPIRED LEASES:**

Creditor Name	Description of Contract	Election	In Default
Glen Blake	lease	Assumed	No

**PRIORITY CREDITORS:**

Name	Amount Disputed	Scheduled Amount	Annual Int. Rate	Term	Periodic Payment Amount
Cibik and Cataldo, P.C.	\$0.00	\$4,000.00	0%		First Funds
Commonwealth of PA	\$0.00	\$2,775.00	0%	1-36	Pro-Rata
Delaware County Tax Claim Bure	\$0.00	\$5,858.63	0%	1-36	Pro-Rata
Delaware County Tax Claim Bure	\$0.00	\$3,880.71	0%	1-36	Pro-Rata
I.R.S.	\$0.00	\$14,104.22	0%	1-36	Pro-Rata

\* Variable Payments Scheduled. See Pro Forma, if attached.

(H) Emerick McKesey  
(W)  
(C#) 17-16223AMC13**SPECIAL CLASS UNSECURED CREDITORS:**

Name	Basis for Classification	Scheduled Amount	Annual Int. Rate	Term	Periodic Payment Amount
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**GENERAL UNSECURED CREDITORS:** Pay approximately 59%.

Name	Disputed	Contingent	Note	Amount
AMERICAN INFOSOURCE LP AS AGENT FOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>		\$187.87
Ashley Funding Services LLC its successo	<input checked="" type="checkbox"/>	<input type="checkbox"/>		\$394.00
Commercial Acceptance	<input type="checkbox"/>	<input type="checkbox"/>		\$71.00
Delaware County Tax Claim Bureau	<input type="checkbox"/>	<input type="checkbox"/>	Deficiency	\$15,000.00
I.R.S.	<input type="checkbox"/>	<input type="checkbox"/>	Deficiency	\$61,865.04
Keystone Col	<input type="checkbox"/>	<input type="checkbox"/>		\$89.00
Monterey Col	<input type="checkbox"/>	<input type="checkbox"/>		\$320.00
PayPal Inc	<input checked="" type="checkbox"/>	<input type="checkbox"/>		\$200.00
TekCollect Inc	<input type="checkbox"/>	<input type="checkbox"/>		\$48.00
Wells Fargo Bank	<input checked="" type="checkbox"/>	<input type="checkbox"/>		\$208.97
Wells Fargo Bank NA	<input type="checkbox"/>	<input type="checkbox"/>	Deficiency	\$13,231.81

Total Unsecured Debt ---> **\$91,615.69****Additional Provisions of the Plan****11. Unsecured Priority Tax Claims Treatment in Plan**

The unsecured priority claims of all taxing authorities provided for under the plan shall be "Code 23 Creditors" and paid pro-rata in full by the Chapter 13 Trustee before disbursement to the mortgagors, or other secured creditors.

**100 PERCENT TO ALLOWED GENERAL UNSECURED CLAIMS**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a copy of the foregoing CHAPTER 13 PLAN SUMMARY was served upon the following parties of interest:

William C. Miller, Esquire  
Chapter 13 Trustee  
P.O. Box 40119  
Philadelphia, PA 19106-0119

and all parties and creditors listed on the attached matrix.

DATED: 9/20/2017

/s/ Michael A. Cibik, Esquire

Michael A. Cibik, Esquire